

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

-v.-

\$42,000 IN FUNDS FORMERLY HELD AT
WESTCHESTER BMW IN THE NAME OF
ELVIN CONCEPCION, AND ANY ALL
PROPERTY TRACEABLE THERETO,

07 CIV 8326 (RPP)

CLAIMANT'S
INTERROGATORIES AND
REQUEST FOR
PRODUCTION OF
DOCUMENTS

Defendant-in-rem,

GUILLERMO M. CONCEPCION,

Claimant.

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Pursuant to Rules 26, 33 and 34 of the Federal Rules of Civil Procedure, plaintiff United States of America shall answer, under oath, the following interrogatories, and produce copies of the following documents, by February 9, 2008, at the address of the undersigned counsel.

DOCUMENT REQUESTS

1. A copy of the instrument, check or other document seized from Westchester BMW evidencing the funds that are the subject of this action;
2. A copy of the subpoena, warrant (with supporting application) or other document relied on by state or government authorities to seize and take custody of funds from Westchester BMW;

3. A copy of any subsequent subpoenas, warrants (with supporting applications), court orders (with supporting applications) or other process relied on to retain custody of said property or to transfer same from New York authorities to the government of the United States;

4. Copies of all correspondence, sales receipts, bills of sale, title documents, contracts or other documents by or to Westchester BMW relating to the funds seized herein or the Spider Ferrari referenced in the complaint;

5. Copies of all correspondence by and between New York prosecuting authorities and the United States government concerning the turn over of the seized funds to the government;

6. Copies of complaints, indictments or other accusatory instruments filed against Jose and Elvin Concepcion in connection with the “cocaine trafficking” or “money laundering” activities referred to in paragraphs 4 through 6 of the government’s complaint;

7. Copies of the search warrant, supporting applications and returns with respect to the warrant referred to in paragraph 7 of the complaint;

8. A copy of any paper documenting the representations attributed to Elvin Concepcion concerning his salary at the time of his bail application, as set forth in paragraph 8 of the complaint;

9. With respect to the allegation in paragraph 9 of the complaint respecting Elvin Concepcion’s alleged laundering of money through the purchase of vehicles, provide a copy of every document in your possession relating to said vehicles, including but not limited to

titles, the bills of sale, registration information, insurance information, repair information and any documents relating to the purchase, sale or other transfer of any such vehicle;

10. With respect to the Spider Ferrari referred to in paragraph 10 of the complaint, provide all documentation relating thereto, including but not limited to all titles, bills of sale, registration information, insurance information, repair information, documents relating to the purchase, sale or other transfer of the vehicle, and documents evidencing agreements or contracts between Elvin Concepcion and Westchester BMW, relating to the trade-in, transfer or sale of same to Westchester BMW and the sale of said vehicle by Westchester BMW;

11. Provide a copy of the federal seizure warrant and supporting applications referenced in paragraph 11 of the complaint;

12. Provide a copy of all documentation regarding ownership, registration, insurance, purchase, sale or transfer with respect to the Spider Ferrari referenced in paragraph 12 of the complaint;

13. With respect to paragraph 13 of the complaint, provide all documentation evidencing ownership, use, control, purchase, sale or transfer, with respect to each item of property, whether real or personal, which you claim was placed in the name of Guillermo Concepcion by Elvin Concepcion and/or Jose Concepcion;

14. Provide a copy of any and all tapes or other electronic recordings which you claim substantiate any of the allegations in the complaint;

15. Provide a copy of any law enforcement reports which contain witness statements

or investigative findings or conclusions with respect to the allegations in the complaint.

INTERROGATORIES

1. In the complaint, at paragraph 9, you allege that “one method used by Elvin Concepcion to launder proceeds was through the purchase of vehicles.” With respect thereto, please answer the following questions:

- a) how do you claim such laundering was effectuated through such vehicle purchases?
- b) identify each such vehicle which you claim was used for that purpose;
- c) identify the owners, purchasers, sellers, transferors or transferees of those vehicles;
- d) do you claim that Guillermo Concepcion had any ownership or other interest in any of said vehicles? If so, specify what vehicles.

e) do you claim that Guillermo Concepcion had any role in the alleged disposition of the vehicles referred to item 1, above; if so, identify each such vehicle and, in each case, state what you claim his role was.

2. . With respect to the Spider Ferrari referred to in the complaint, do you claim that this vehicle was purchased with the proceeds of unlawful activity? If so, what is your basis for that claim?

3. In paragraph 13 of the complaint, you allege that “Elvin Concepcion and Jose Concepcion frequently placed property purchased using drug proceeds and property used to facilitate their drug business in the name of their brother, Guillermo Concepcion.” Please answer the following with respect to this allegation:

a) with respect to your claim that this happened “frequently,” how many times do you claim property was placed in Guillermo’s name by Elvin and Jose and over what time period?

b) exactly what real or personal property do you claim was so placed in Guillermo Concepcion’s name? Please clearly and specifically identify each such item of real or personal property (i.e, by property address, vehicle identification number or other identifying characteristic);

c) with respect to each such item of real or personal property, in what manner do you claim that Elvin and Jose Concepcion used each such item “to facilitate their drug business”?

d) you cite one “example” of such property, mainly, “the Residence.” What other examples does the government claim to be aware of?

e) with respect to “the Residence,” please identify this residence with greater specificity;

f) with respect to “the Residence,” what is your factual basis for claiming that this property was placed in the name of Guillermo Concepcion by Elvin and Jose Concepcion?

4. With respect to paragraph 17 of the complaint, please state in what manner you claim the \$42,000 in funds that is the subject of this action was involved in a “financial transaction” that “represents the proceeds of some form of unlawful activity?”

5. With respect to paragraph 17 and of the complaint and within the meaning of 18 U.S.C. §981(a)(2), do you claim that the property subject to forfeiture was obtained “directly” or “indirectly” as the result of the commission of the offense giving rise to

forfeiture.

6. Within the meaning of 18 U.S.C. §981(a)(2), what facts or circumstances are you aware of evidencing that the obtaining of the property subject to forfeiture resulted from the commission of an offense giving rise to forfeiture.

7. With respect to paragraph 20, identify what “monetary transaction in criminally derived property” which you allege occurred with respect to the property subject to forfeiture?

8. State the facts or circumstances evidencing that any property referred to in item 7 above was ‘criminally derived.’

9. With respect to paragraphs 22 and 23, state the facts and circumstances evidencing any money obtained from the sale of the Spider Ferrari can be traced to exchanges of controlled substances.

10. Identify each and every witness you contend has knowledge of any of the activities which you claim give rise to the forfeiture allegations against claimant including, but not limited to any witness who claims to have observed or acquired knowledge that claimant engaged in activity that would cause the proceeds of the sale of the Spider Ferrari to be subject to forfeiture.

Dated: White Plains, New York
January 2, 2008

GREEN & WILLSTATTER

By: THEODORE S. GREEN

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